

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HOLLEY ELLIS,

Plaintiff,

v.

MISSOURI PHELPS COUNTY JAIL

Defendant.

No. 4:25-cv-00119-SEP

MEMORANDUM & ORDER

Self-represented Plaintiff Holley Ellis, a civil detainee held at Metropolitan Psychiatric Center in St. Louis, Missouri, filed this action on January 29, 2025. Doc. [1]. Plaintiff's initial filing is deficient for the reasons set forth below.

Plaintiff neither paid the Court filing fee nor filed a motion to proceed without prepayment of fees or costs. The Court orders Plaintiff to, **no later than 21 days from the date of this Order**, either (1) pay the \$405 filing fee or (2) file a motion to proceed without prepaying the fees. 28 U.S.C. § 1915(a). Failure to timely pay the full filing fee or file a motion to proceed without prepayment of fees will result in dismissal of this case without prejudice and without further notice.

Plaintiff also must amend her complaint on a Court-provided form in a manner compliant with this Order. *See* Local Rule 2.06(A). The Complaint attempts to state a claim against Phelps County Jail in Rolla, Missouri, but county jails are not legal entities amenable to suit. *See Owens v. Scott Cty. Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003); *see also Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir. 1992) ("departments or subdivisions" of local government are not "juridical entities suable as such"). Plaintiff has also "alleged no facts in her complaint that would demonstrate the existence of a policy or custom" that caused the alleged deprivation of Plaintiff's rights. *Ulrich v. Pope Cty.*, 715 F.3d 1054, 1061 (8th Cir. 2013).

Because Plaintiff is *pro se*, the Court will allow her to amend her pleading. Plaintiff should bear in mind that an amended complaint will entirely replace the original complaint, so she must include every claim she wishes to pursue in the amended complaint. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005).

Any claims not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* Allegations in the amended complaint may not be conclusory but instead must describe how each defendant is personally involved in or directly responsible for any alleged harm. If Plaintiff wishes to sue a defendant in his or her individual capacity, Plaintiff should specifically say so in the amended complaint. If Plaintiff fails to file an amended complaint on the Court's form within 21 days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

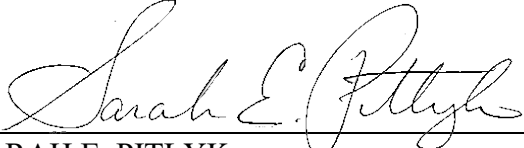
Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall, **within 21 days of the date of this Memorandum and Order** either (1) pay the filing \$405 filing fee or (2) file a motion to proceed without prepaying fees and costs.

IT IS FURTHER ORDERED that the Clerk shall provide Plaintiff with a copy of the Court-provided form for filing a prisoner civil rights complaint, as well as a copies of the Court-provided form for seeking leave to proceed without prepaying fees and costs.

IT IS FINALLY ORDERED that if Plaintiff fails to comply with this Order, this matter will be **DISMISSED** without prejudice.

Dated this 12th day of June, 2025.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE